

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

BRADLEY K. FAY,

Plaintiff,

vs.

**KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

Case No. 21-cv-524-SMY

MEMORANDUM AND ORDER

YANDLE, District Judge:

Pending before the Court is the parties' Joint Motion to Award Attorney Fees and Expenses filed pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 (Doc. 21). Plaintiff seeks attorney fees in the amount of \$5,501.68. Defendant has no objection.

Plaintiff is the prevailing party and is entitled to an award of attorney fees pursuant to the EAJA. The Court finds that the agreed upon amount is reasonable and appropriate. Therefore, the Motion for Attorney Fees (Doc. 21) is **GRANTED**; Plaintiff is awarded **\$5,501.68**.

This award for attorney fees and expenses is in full satisfaction of all claims for attorney fees and expenses that may be payable to Plaintiff in this matter under the EAJA. Any fees paid belong to Plaintiff, not Plaintiff's attorney, and can be offset to satisfy any pre-existing debt that the litigant owes the United States. *Astrue v. Ratliff*, 560 U.S. 586 (2010). If Defendant can verify that Plaintiff does not owe a pre-existing debt to the government subject

to the offset, Defendant will direct that the award be made payable to Plaintiff's attorney pursuant to the EAJA assignment duly signed by Plaintiff.

IT IS SO ORDERED.

DATED: January 3, 2023

The image shows a handwritten signature in black ink that reads "Staci M. Yandle". The signature is written over a circular official seal. The seal features an eagle with a shield, holding an olive branch and arrows, with a constellation of stars above its head. The text "UNITED STATES DISTRICT COURT" is written in a circle around the eagle, and "SOUTHERN DISTRICT OF NEW YORK" is written at the bottom.

STACI M. YANDLE
United States District Judge